

UNITED STATES BANKRUPTCY COURT
DISTRICT OF PUERTO RICO

IN RE:
JORGE LUIS RIVERA SANCHEZ
MILAGROS FELIX SANCHEZ

DEBTOR (S)

CASE NO. 10-03558-BKT

CHAPTER 13

**TRUSTEE'S UNFAVORABLE REPORT
ON PROPOSED POST CONFIRMATION PLAN MODIFICATION**

TO THE HONORABLE COURT: NOW COMES, José R. Carrión, Chapter 13 Trustee, and very respectfully alleges and prays:

This is the Trustee's position regarding the request, under **11 U.S.C. §1329**, for the confirmation of a Chapter 13 Plan.

Debtor(s)' Income: **Above Median / 60 months commitment period.** Gen Unsecured Pool: **\$0.00**

The **LIQUIDATION VALUE** of the estate has been determined in **\$12,598.00 R2016 STM. \$3,000.00**

TOTAL ATTORNEYS FEES THRU PLAN: \$2,994.00 Fees paid: \$2,994.00 Fees Outstanding: \$0.00
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With respect to the proposed (amended) Plan dated: **9/21/2011** (Dkt 45). Plan Base: **28,840.00**

The proposed (amended) plan can not be confirmed because it has the following deficiencies:

- Insufficiently Funded : Fails CREDITORS' BEST INTEREST TEST [§1325(a)(4)]

Plan is insufficiently funded to pay the liquidation value in this case determined in \$12,598.00. An estimated minimum base for the present case is \$33,000.00.

- Fails to commit all future earnings / projected disposable income to fund the plan. [§1322(a)(1)]

According to the last schedule J filed Debtors disposable income is \$550.00 however plan proposed payments of \$525.00.

Due to the above described deficiencies in the proposed plan the Trustee Objects to the Confirmation of the same .

CERTIFICATE OF SERVICE: The Chapter 13 Trustee herewith certifies that a copy of this motion has been served via first class mail on the same date it is filed to: the DEBTOR(s), and to her/his/their attorney through CM-ECF notification system.

In San Juan, Puerto Rico this September 23, 2011.

/s/ Jose R. Carrion

JOSE R. CARRION
CHAPTER 13 TRUSTEE
PO Box 9023884, San Juan, PR 00902-3884
Tel. (787) 977-3535 Fax (787) 977-3550

JQA